In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.228 of 2007.

Date of decision:18.1.2007.

Joginder Singh.

...Petitioner.

Versus

Paramjit Singh and another.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr. Mansur Ali Advocate for the petitioner.

...

Judgment.

S. N. Aggarwal, J.

The petitioner is the defendant in the learned trial Court. The respondents have filed a suit for recovery of Rs.50,885/- as compensation for the land measuring 1 Kanal 0 Marla with interest etc.

` The petitioner contested the suit. He also filed an application under Order 1 Rule 10 CPC for impleading the Department of Industries, Government of Punjab as one of the defendants. The said department was a necessary party as it had acquired the land owned by the petitioner which was subject matter of the suit. It was also pleaded that Amar Singh alleged attorney of the petitioner has died and,therefore, the legal heirs of said Amar Singh should also be

impleaded as defendants.

This application was opposed by the respondents.

It was dismissed by the learned trial Court vide impugned order dated 27.11.2006.

Hence, the present petition.

It was submitted that department of Industries, Government of Punjab was a necessary party and,therefore, it should be impleaded.

This submission has been considered. It has no merit at all. The respondents have filed a suit for recovery against the petitioner. The petitioner is to resist the said suit. The Department of Industries is not the necessary party between the dispute pending between the parties. Therefore, the application filed by the petitioner for impleadment of the Department of Industries, Government of Punjab is totally misconceived.

It was then submitted by the learned counsel for the petitioner that Amar Singh was stated to be the attorney of the petitioner who has now died. Therefore, the legal heirs of Amar Singh were necessary parties.

This submission has also been considered. It is equally devoid of merit. The suit has been filed against the petitioner by the respondents. The attorney himself was not a necessary party and the question of impleading legal heirs of Amar Singh is merely foreign to the controversy involved in the litigation between the parties.

Therefore, neither the Department of Industries was a

necessary party nor the legal heirs of Amar Singh. The learned trial Court has rightly dismissed the application filed by the petitioner vide impugned order dated 27.11.2006.

There is no merit in the present revision petition and the same is dismissed.

January 18, 2007. **(S. N. Aggarwal)**
Jaggi **Judge**